

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LXXXV

TRESPASS

***** 750.546 THIS SECTION IS REPEALED BY ACT 211 OF 2015 EFFECTIVE MARCH 14, 2016 *****

750.546 Wilful trespass; by cutting or destroying property.

Sec. 546. Wilful trespass by cutting or destroying wood, gravel, grain, etc.—Any person who shall wilfully commit any trespass, by cutting down or destroying any timber or wood, standing or growing on the land of another, or by carrying away any kind of timber or wood, cut down or lying on such land, or by digging up or carrying away any stone, ore, gravel, clay, sand, turf or mould from such land, or any roots, fruit or plant there being, or by cutting down or carrying away any grass, hay, or any kind of grain standing, growing or being on such land, or by carrying away from any wharf or landing place, railroad depot or warehouse, any goods whatever in which he has no interest or property, without the license of the owner, of the value of 5 dollars or more, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.546.

Former law: See section 51 of Ch. 154 of R.S. 1846, being CL 1857, § 5795; CL 1871, § 7602; How., § 9173; CL 1897, § 11587; CL 1915, § 15332; and CL 1929, § 16928.

***** 750.547 THIS SECTION IS REPEALED BY ACT 211 OF 2015 EFFECTIVE MARCH 14, 2016 *****

750.547 Wilful trespass; entering improved land of another.

Sec. 547. Wilful trespass by entering improved land of another with intent to injure or destroy—Any person who shall wilfully commit any trespass by entering upon the garden, orchard or other improved land of another, without permission of the owner thereof, and with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit or vegetables there growing or being, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.547.

Former law: See section 52 of Ch. 154 of R.S. 1846, being CL 1857, § 5796; CL 1871, § 7603; How., § 9174; CL 1897, § 11588; CL 1915, § 15333; and CL 1929, § 16929.

***** 750.548 THIS SECTION IS REPEALED BY ACT 211 OF 2015 EFFECTIVE MARCH 14, 2016 *****

750.548 Trespass upon cranberry marshes.

Sec. 548. Trespass upon cranberry marshes—Any person who shall enter the premises of any other person, and take and carry away cranberries or cranberry vines there growing, or who shall trample or otherwise injure or destroy the cranberry vines growing thereon, without the permission of the owner or occupant of said premises, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.548.

Former law: See section 1 of Act 38 of 1869, being CL 1871, § 2114; How., § 2223; CL 1897, § 11643; CL 1915, § 15409; and CL 1929, § 17012.

***** 750.549 THIS SECTION IS REPEALED BY ACT 211 OF 2015 EFFECTIVE MARCH 14, 2016 *****

750.549 Trespass upon huckleberry and blackberry marshes.

Sec. 549. Trespass upon huckleberry and blackberry marshes—Any person who shall enter the enclosed premises of another person and take and carry away from any huckleberry marsh or lands growing blackberries, huckleberries or blackberries there growing, or who shall trample, break down or otherwise destroy the huckleberry or blackberry bushes growing thereon, without the permission of the owner or occupant of such premises: Provided, That such owner or occupant shall have previously posted a conspicuous notice in at least 3 different places upon the premises forbidding any trespass thereon, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.549.

Former law: See section 1 of Act 261 of 1909, being CL 1915, § 15412; and CL 1929, § 17015.

***** 750.550 THIS SECTION IS REPEALED BY ACT 211 OF 2015 EFFECTIVE MARCH 14, 2016 *****

750.550 Trespass on vineyards, orchards or gardens.

Sec. 550. Trespass upon vineyards, orchards or gardens—Any person who shall enter a vineyard, orchard

or garden, without the consent of the owner, and pick, take, carry away, destroy or injure any of the fruits, vegetables or crops therein, or in anywise injure or destroy any bush, tree, vine or plant, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.550.

Former law: See section 1 of Act 79 of 1895, being CL 1897, § 11645; CL 1915, § 15413; CL 1929, § 17010; and Act 61 of 1899.

***** 750.551 THIS SECTION IS REPEALED BY ACT 211 OF 2015 EFFECTIVE MARCH 14, 2016 *****

750.551 Trespass; injuring and destroying medicinal plants.

Sec. 551. Trespass upon field, etc., and injuring or destroying ginseng, golden seal plants, etc.—Any person who shall without the permission of the owner, enter the field, yard, building, garden or other enclosure of another and wilfully break down, dig, destroy, take or carry away any ginseng or ginseng seed, golden seal plants, golden seal roots, golden seal seeds or any other medicinal plants, seeds or roots, there stored, growing, drying or being, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.551.

Former law: See section 1 of Act 74 of 1905, being CL 1915, § 15411; CL 1929, § 17014; and Act 360 of 1917.

750.552 Trespass upon lands or premises of another; exception; violation; penalty; "process server" defined.

Sec. 552. (1) Except as otherwise provided in subsection (2), a person shall not do any of the following:

(a) Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant.

(b) Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant.

(c) Enter or remain without lawful authority on fenced or posted farm property of another person without the consent of the owner or his or her lessee or agent. A request to leave the premises is not a necessary element for a violation of this subdivision. This subdivision does not apply to a person who is in the process of attempting, by the most direct route, to contact the owner or his or her lessee or agent to request consent.

(2) Subsection (1) does not apply to a process server who is on the land or premises of another while in the process of attempting, by the most direct route, to serve process upon any of the following:

(a) An owner or occupant of the land or premises.

(b) An agent of the owner or occupant of the land or premises.

(c) A lessee of the land or premises.

(3) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$250.00, or both.

(4) As used in this section, "process server" means a person authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947, or supreme court rule to serve process.

History: Add. 1951, Act 102, Imd. Eff. May 31, 1951;—Am. 2007, Act 167, Eff. Mar. 20, 2008;—Am. 2013, Act 230, Imd. Eff. Dec. 26, 2013.

750.552a Filth, garbage or refuse; unlawful to dump, deposit or place on property of another.

Sec. 552a. Any person who shall dump, deposit or place any filth, garbage or refuse on the grounds or premises of another, without the specific permission of the owner thereof, shall be guilty of a misdemeanor.

History: Add. 1954, Act 27, Imd. Eff. Mar. 31, 1954.

750.552b Trespass upon property of state correctional facility; violation as felony; penalty; "state correctional facility" defined.

Sec. 552b. (1) A person who willfully trespasses by entering or remaining upon the property of a state correctional facility without authority or permission to enter or remain is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(2) As used in this section, "state correctional facility" means a facility or institution that houses a prisoner population under the jurisdiction of the department of corrections. State correctional facility does not include a community corrections center or a community residential home.

History: Add. 1996, Act 232, Eff. Jan. 1, 1997.

750.552c Entering or remaining in key facility; prohibition; "key facility" defined; posting signs; violation as felony; penalty; scope of section.

Sec. 552c. (1) A person shall not intentionally and without authority or permission enter or remain in or

upon premises or a structure belonging to another person that is a key facility if the key facility is completely enclosed by a physical barrier of any kind, including, but not limited to, a significant water barrier that prevents pedestrian access, and is posted with signage as prescribed under subsection (2). As used in this subsection, "key facility" means 1 or more of the following:

- (a) A chemical manufacturing facility.
 - (b) A refinery.
 - (c) An electric utility facility, including, but not limited to, a power plant, a power generation facility peaker, an electric transmission facility, an electric station or substation, or any other facility used to support the generation, transmission, or distribution of electricity. Electric utility facility does not include electric transmission land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility.
 - (d) A water intake structure or water treatment facility.
 - (e) A natural gas utility facility, including, but not limited to, an age station, compressor station, odorization facility, main line valve, natural gas storage facility, or any other facility used to support the acquisition, transmission, distribution, or storage of natural gas. Natural gas utility facility does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility.
 - (f) Gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.
 - (g) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal.
 - (h) A pulp or paper manufacturing facility.
 - (i) A pharmaceutical manufacturing facility.
 - (j) A hazardous waste storage, treatment, or disposal facility.
 - (k) A telecommunication facility, including, but not limited to, a central office or cellular telephone tower site.
 - (l) A facility substantially similar to a facility, structure, or station listed in subdivisions (a) to (k) or a resource required to submit a risk management plan under 42 USC 7412(r).
- (2) A key facility shall be posted in a conspicuous manner against entry. The minimum letter height on the posting signs shall be 1 inch. Each posting sign shall be not less than 50 square inches, and the signs shall be spaced to enable a person to observe not less than 1 sign at any point of entry upon the property.
- (3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,500.00, or both.
- (4) This section does not prohibit and shall be not construed to prevent lawful assembly or a peaceful and orderly petition for the redress of grievances, including, but not limited to, a labor dispute between an employer and its employees.

History: Add. 2005, Act 305, Eff. Apr. 15, 2006.